

ORDINANCE NO. 98 - 42

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 98-98 RES 1 (POLO TRACE), MODIFYING PAGE 98 OF THE FLUA BY CHANGING A PARCEL OF LAND APPROXIMATELY 233.87 ACRES GENERALLY LOCATED ON THE EAST SIDE OF HAGEN RANCH ROAD, APPROXIMATELY 1,500 FEET NORTH OF LAKE IDA ROAD FROM LOW RESIDENTIAL 1 (LR-1) TO MEDIUM RESIDENTIAL 5 (MR-5); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on February 13, 20 and 27, 1998 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public

1 hearing pursuant to Chapter 163, Part II, Florida Statutes, on
2 March 30, 1998 to review the recommendations of the Local Planning
3 Agency, whereupon the Board of County Commissioners authorized
4 transmittal of proposed amendments to the Department of Community
5 Affairs for review and comment pursuant to Chapter 163, Part II,
6 Florida Statutes; and

7 **WHEREAS**, Palm Beach County received on June 16, 1998, the
8 Department of Community Affairs "Objections, Recommendations, and
9 Comments Report," dated June 12, 1998, which was the Department's
10 written review of the proposed Comprehensive Plan amendments; and

11 **WHEREAS**, on September 16, 1998, the Palm Beach County Board of
12 County Commissioners held a public hearing to review the written
13 comments submitted by the Department of Community Affairs and to
14 consider adoption of the amendments; and

15 **WHEREAS**, the Palm Beach County Board of County Commissioners
16 has determined that the amendments as modified satisfy the concerns
17 addressed in the Department of Community Affairs' "Objections,
18 Recommendations and Comments Report" and comply with all
19 requirements of the Local Government Comprehensive Planning and
20 Land Development Regulations Act.

21 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
22 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

23 **Part I. Amendments to the Future Land Use Atlas of the Land**
24 **Use Element of the 1989 Comprehensive Plan**

25 The following amendment to the Land Use Element's Future Land
26 Use Atlas is hereby adopted and is attached to this Ordinance:

27 **A. Future Land Use Atlas page 98 is amended as follows:**

28 **Application No.: 98-98 RES 1 (Polo Trace)**

29 **Amendment: From Low Residential 1 (LR-1) to Medium**

1 Residential 5 (MR-5);

2 **General Location:** East side of Hagen Ranch Road,
3 approximately 1,500 feet north of Lake
4 Ida Road

5 **Size:** approximately 233.87 acres.

6 **B. Conditions:** This parcel is subject to the following
7 conditions:

- 8 1. The property owner shall record in the public
9 records a restrictive covenant, subject to the
10 approval of the county attorney, prior to
11 certification of the zoning application which does
12 the following: (a) limits the density of the
13 project to 3.4 units per acre; and (b) limits the
14 project to an "adult-only" community in accordance
15 with federal fair housing standards; and
16 2. The parcel is designated with a note on the FLUA
17 that the density is limited to 3.4 units per acre.

18 **Part II. Repeal of Laws in Conflict**

19 All local laws and ordinances applying to the unincorporated
20 area of Palm Beach County in conflict with any provision of this
21 ordinance are hereby repealed to the extent of such conflict.

22 **Part III. Severability**

23 If any section, paragraph, sentence, clause, phrase, or word
24 of this Ordinance is for any reason held by the Court to be
25 unconstitutional, inoperative or void, such holding shall not
26 affect the remainder of this Ordinance.

27 **Part IV. Inclusion in the 1989 Comprehensive Plan**

28 The provision of this Ordinance shall become and be made a
29 part of the 1989 Palm Beach County Comprehensive Plan. The

Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status,

a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100. **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County, on the 16 day of September, 1998.

ATTEST:
DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: *[Signature]*
Deputy Clerk

By: *[Signature]*
Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

[Signature]
COUNTY ATTORNEY



Filed with the Department of State on the 28th day
of September, 1998.

EXHIBIT 1

A. Future Land Use Atlas page 98 is amended as follows:

Amendment No.: 98-98 RES 1 (POLO TRACE)

Location: East side of Hagen Ranch Road, approximately 1,500 feet north of Lake Ida Road.

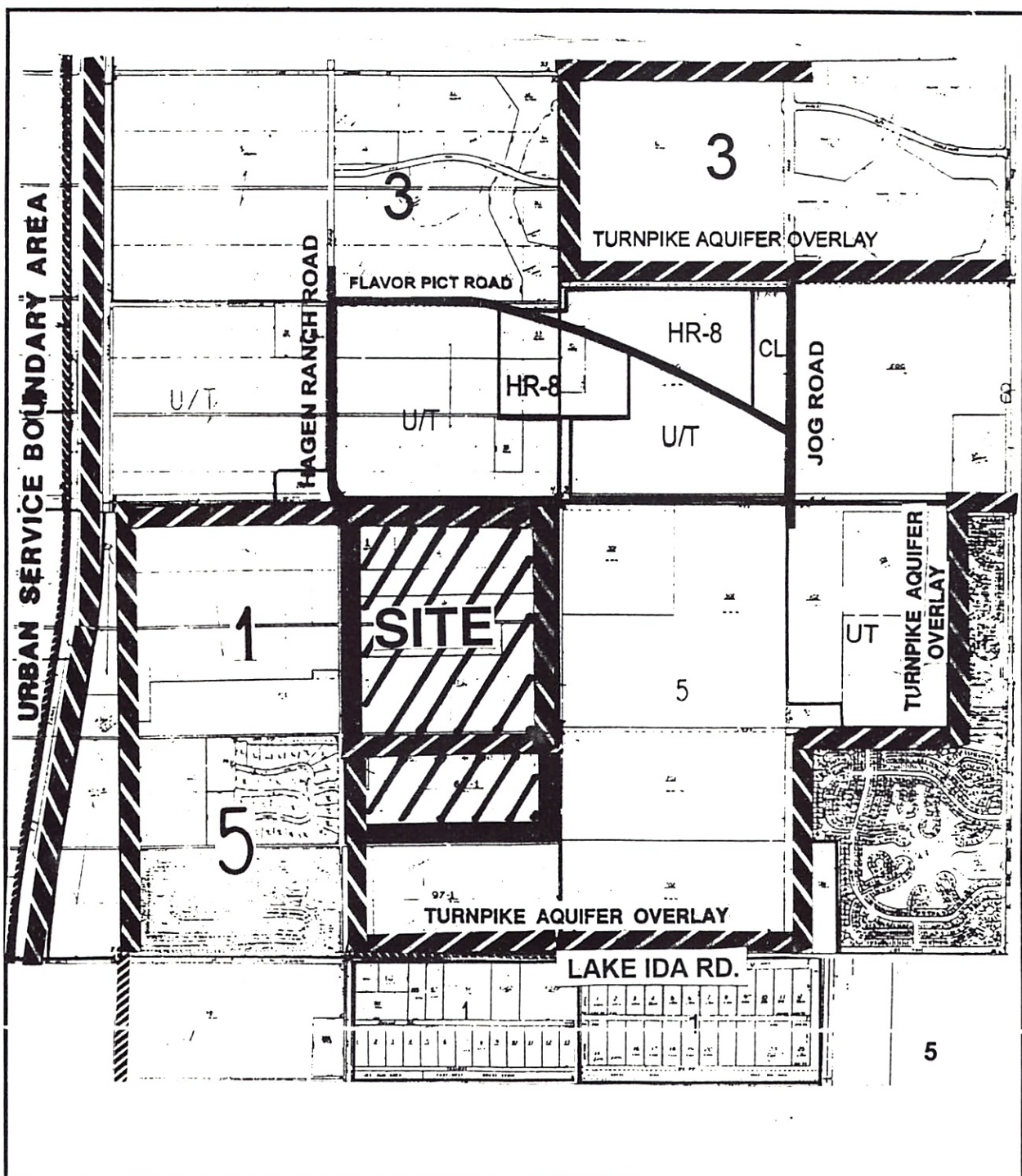
Size: 233.87 acres

Original FLU: Low Residential, 1 unit per acre (LR-1)

Adopted FLU: Medium Residential, 5 units per acre (MR-5)

Property No.: 00-42-46-09-01-001-0010

Legal Description: See attached



T:\PLANNING\AMEND\98-1\BCCADOPT\Ordinanc\polo.exh.wpd

Legal Description:

A PARCEL OF LAND SITUATE IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING A PORTION OF "PALM BEACH FARMS COMPANY PLAT NO. 1", RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF TRACTS 1 THROUGH 7, 26 THROUGH 39, 58 THROUGH 71, 90 THROUGH 96, AND THOSE PORTIONS OF TRACTS 8, 25, 40, 57, 72, AND 89 LYING EAST OF THE EAST RIGHT OF WAY LINE OF HAGEN RANCH ROAD, 80.00 FEET IN WIDTH, AS NOW LOCATED AND CONSTRUCTED, PER OFFICIAL RECORD BOOK 706, PAGE 142, OFFICIAL RECORD BOOK 704, PAGE 249, OFFICIAL RECORD BOOK 696, PAGE 120, OFFICIAL RECORD BOOK 688, PAGE 283 AND PALM BEACH COUNTY DRAWING 3-56-027;

LESS AND EXCEPT THE NORTH 116.01 FEET OF TRACT 1; THE NORTH 121.33 FEET OF TRACT 2; THE NORTH 118.63 FEET OF TRACT 3; THE NORTH 116.00 FEET OF TRACTS 4, 6, AND 8; AND THE NORTH 115.96 FEET OF TRACTS 5 AND 7, FOR RIGHT OF WAY OF THE LAKE WORTH DRAINAGE DISTRICT L-30 CANAL.

simon
Scale

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM CODRS CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (Palm Beach)	COUNTY ORDINANCE # (48-42) <small>(e.g., 83-001)</small>
PRIMARY KEYFIELD DESCRIPTOR: (Comprehensive Planning)	
SECONDARY KEYFIELD DESCRIPTOR: (Land Use Planning)	
OTHER KEYFIELD DESCRIPTOR: ()	
ORDINANCE DESCRIPTION: (Land use MAP Amendment) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: <small>(List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)</small>	
AMENDMENT # 1: (89-17); AMENDMENT # 2: ()	
ORDINANCES REPEALED: <small>(List below the ordinances that are repealed by this legislation.)</small>	
REPEAL # 1: (); REPEAL # 3: ();	
REPEAL # 2: (); REPEAL # 4: ();	
<small>(Others repealed: list all that apply):</small> _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: ()
KEYFIELD 1 CODE: ()	KEYFIELD 2 CODE: ()
KEYFIELD 3 CODE: ()	<small>Rev. 8/28/88</small>